

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.384 OF 2021

Amit s/o. Shankar Aryan ..Applicant
Vs.
The State of Maharashtra ..Respondent

Mr.A.K.Bhosle, Advocate for applicant
Mr.S.W.Munde, APP for respondent

CORAM : R.G. AVACHAT, J.
DATE : MAY 27, 2021
(Vacation Court)

PER COURT :-

Heard.

2. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested on 15.12.2020 in connection with Crime No.180 of 2020 registered with Osmanpura Police Station, Dist.Aurangabad, for the offences punishable under Sections 376(2)(n), 377, 354, 506 and 509 of the Indian Penal Code and under Section 67 of Information Technology Act.

3. The First Information Report (FIR) has been lodged by the victim herself on 11.09.2020. It is alleged in the FIR that the applicant is a Pastor. His office is on the first floor of 'Acharya Apartment', Pratap Nagar, Osmanpura. The office is spacious one. The applicant runs 'Amit Aryan Services' in Bible studies. The applicant would engage himself in holding seminars, translating Christian books from English into Marathi, etc. The parents of the informant were also engaged in religious activities of Christian community. Since the applicant was a Pastor, he has influence over the members of Christian community in Aurangabad. He was well-acquainted with the parents of the informant. During the informant's college days, she was serving with the office of the applicant on part time.

4. The alleged incident is of March, 2018. The applicant would host cricket matches. On one day in March, 2018, at about 02.00 p.m., the applicant asked the informant to fetch some files from his old

office situated in a flat of one Bhakre aunty, at Pratapnagar. The informant, therefore, went to the said flat. The applicant had already reached there. No one else was there. The applicant threatened the informant. Taking advantage of the situation and the circumstances, the applicant had sexual intercourse with the informant without her consent and against her wish. The informant did not disclose the incident to anyone as she was apprehensive of the applicant. The informant thereafter stopped attending the office of the applicant. The applicant, therefore, asked the parents of the informant to send her to the office. He told her parents that the informant is clever and she has a bright future. Believing the applicant, the parents asked the informant to resume the job. She again joined the office of the applicant.

5. After the office hours, the applicant would ask the informant to stay back. The applicant would

tell her that his wife is quarrelsome. She has extra-marital relationship. He would take divorce and marry the informant. He also promised the informant to take her abroad and secure a good job for her there. He informed her that they would settle in a foreign country. By giving such promise, the applicant had sexually exploited the informant.

6. It is further alleged that the informant's younger sister – Anita (name changed), after completing her 10th examination, started serving with the applicants office. One day, the applicant, taking advantage of there being no-one else, embraced Anita and kissed her neck. On 28.07.2020, the applicant came home of the informant. The informant and her younger sister – Anita were at home. Their parents were not there. At that time, Anita heard the applicant complimenting the informant over size of her breast. Anita inquired with the informant as to how the applicant behaved her that way. Thereupon, both the sisters shared each other's

experience. After having been realised to have been sexually exploited, the informant lodged the FIR.

7. Mr.Bhosle, learned counsel for the applicant, would submit that it was a consensual relationship. The informant is major. The informant's younger sister did not disclose the alleged incident for number of months. The informant knew the applicant to have been married. There is delay in lodging the FIR. Learned Counsel would, therefore, urge for grant of bail to the applicant.

8. Learned APP would, on the other hand, submit that the applicant took advantage of his position and sexually exploited the two sisters, one of whom was a minor. It is a serious offence. He would, therefore, urge for rejection of the application.

9. True, the offence is a serious one. The fact, however, is that the investigation has long been over. The charge-sheet has been filed. The informant was major. True, the applicant has made

extra-judicial confession admitting to have sexually exploited the informant. The applicant is behind the bars since 15.12.2020. It will take time for commencement of the trial and conclusion thereof. It appears to be a case of consensual relationship between the two adults. Though the informant having been aware of the applicant to have been married, the relationship continued for over two years. The alleged incident with Anita, younger sister of the informant, had not been disclosed by her for over one year. All these facts lead me to grant the applicant bail.

10. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount, in connection with Crime No.180 of 2020 registered with

Osmanpura Police Station, Dist.Aurangabad, for the offences punishable under Sections 376(2)(n), 377, 354, 506 and 509 of the Indian Penal Code and under Section 67 of Information Technology Act.

(iii) The applicant shall not tamper with the prosecution evidence in any manner.

[R.G. AVACHAT, J.]

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